

22 April 1981

MEMORANDUM FOR: Director of Central Intelligence
THROUGH : Deputy Director of Central Intelligence *Sd/22*
FROM : Robert M. Gates
SUBJECT : Presidential Memorandum on Unauthorized Disclosures

1. Evan Hineman has forwarded NFAC's proposed memorandum from the President to appropriate Cabinet officials concerning unauthorized disclosures (attached).
(I have revised it somewhat to broaden beyond just intelligence)

2. The DDCI believes (and I agree) that this memorandum is an appropriate first step on the leaks problem. It is fairly low-key yet serves as a pointed reminder of the consequences for intelligence sources and methods of unauthorized disclosures. Should the problem continue after this memo is issued, the President has additional options available to him, including:

- Requiring the head of a department or agency to authorize personally and in writing any discussion with the press by subordinates of matters concerning intelligence or classified information and that any official making such a disclosure possess prior written approval setting forth the information to be provided, the identity of the recipient and the justification for providing such information. Such approvals would have to have the concurrence of an appropriate official in the department or agency originating the information and, in the case of information relating to intelligence, of the Director of Central Intelligence.
- The President also as the ultimate sanction could determine that all government officials with authorized access to information relating to especially sensitive DOD or intelligence matters would be subject to a polygraph examination in connection with FBI investigations of specific security breaches. Further, refusal to take such a polygraph examination would be grounds for dismissal from the government.

These steps to tighten the noose could be taken if the President's first memorandum to appropriate agency heads seemed to have little effect and damaging leaks continued.

3. Beyond this proposed memorandum, however, I believe you should bring to the attention of members of the NSC in the discussion of leaks the fact that they

—No question of free discussion of further policy issues

cannot disclose classified information at their pleasure and then expect rigorous discipline in this regard by officials at lower levels. Particularly since the Vietnam war, leaks from very senior government officials have become increasingly commonplace, reaching near disastrous proportions in the last year of the Carter Administration. Discipline in State, Defense, at the NSC Staff and here has eroded in the face of the example set at higher levels. Moreover, protests by senior officials in public about leaks have no credibility with the media because journalists are so frequently the recipients of unauthorized disclosures by these same officials. In short, addressing the leaks program must begin at the top with the example being set by Cabinet members and senior members of the White House staff. Obviously, on occasion, for reasons of state, information must be made public that cannot be done so officially. This kind of leak for state purposes, agreed by the NSC or authorized by the President, should be done infrequently and with extraordinary care.

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Nevertheless, the government probably cannot swallow those steps yet and therefore it is important for the President to lay the groundwork with something like the attached memorandum. But I urge you to ensure at the NSC discussion of this issue that there is some genuine straight talk about the contributing role many of those around the table already have played in this problem. And it is also important for you to emphasize that it relates not just to intelligence but to foreign policy and defense issues--including the deliberations of the Reagan NSC itself (which already are appearing with great regularity in the press).

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Attachment

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4. A personal note. I have worked for two of the great leakers of all time--Henry Kissinger and Zbigniew Brzezinski. Although they told themselves and others that these disclosures were for policy purposes, my own observation is that they were motivated primarily by ego gratification and to win the favor and sympathetic treatment of a wide range of journalists. I am skeptical that the President's memorandum will do any good and believe that discipline has declined so far at all levels of government that some dramatic action by the President--along the lines of the two further steps identified above--will be necessary to begin turning around the situation on leaks. Nevertheless, the government probably cannot swallow those steps yet and therefore it is important for the President to lay the groundwork with something like the attached memorandum. But I urge you to ensure at the NSC discussion of this issue that there is some genuine straight talk about the contributing role many of those around the table already have played in this problem. And it is also important for you to emphasize that it relates not just to intelligence but to foreign policy and defense issues--including the deliberations of the Reagan NSC itself (which already are appearing with great regularity in the press).

Robert M. Gates

Attachment

MEMORANDUM FOR: The Vice President
The Secretary of State
The Secretary of Defense
The Attorney General
The Director of Central Intelligence
The Counsellor to the President
The White House Chief of Staff
The Assistant to the President for National Security
Affairs
The Chairman, Joint Chiefs of Staff

SUBJECT : Disclosure of Sensitive Intelligence Information

In the past few weeks, there have been some striking public disclosures of sensitive foreign policy issues and NSC deliberations, as well as of highly sensitive intelligence information. In some instances, officials of this government have gone so far as to cite specific intelligence collection capabilities. In other cases, information released on policy has pre-empted my decisions and narrowed my flexibility. Intelligence information has been released that was so specific that any intelligence professional could easily deduce the sources of information. In total, the information and assessments that have appeared in the media give the USSR and other foreign powers substantial insight into our most confidential deliberations and into the capabilities and limitations of US intelligence.

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These disclosures must stop. Disclosure of national security and intelligence information threatens the effectiveness of this Administration and the intelligence capabilities of the US. In the area of intelligence it gives targets of our efforts information that allows them better to conceal their actions from us. In both the policy and intelligence arenas, each revelation of facts inspires new questions and leads to new requests for clarification and elaboration. When closely held information appears in the press only hours after a meeting or dissemination to senior officials, security discipline is undermined at all levels of government. When senior officials are known to be the source of harmful disclosures, they lose the confidence of their colleagues and the respect of their subordinates. Moreover, foreign sources and governments are complaining about our laxness because we are jeopardizing their policy interests and their intelligence activities as well as our own.

It is clear to me that the current problem stems from the pursuit of desirable objectives with an inadequate appreciation of the harm that is being done. We unquestionably need the cooperation and support of our allies on matters

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[redacted] and to our mutual defense obligations. It is important that the American public be well informed on subjects of major consequence. But we cannot allow ourselves to satisfy these needs at the expense of the effective formulation of national security policies and of our present and future intelligence capabilities.

In those instances where disclosure of classified information is deemed necessary, I consider each of you personally responsible for ensuring full compliance by your organization with applicable orders and regulations. Any public disclosure initiative by someone in your organization must have your approval. Any disclosure--including release to foreign governments--involving national intelligence assets requires the prior approval of the Director of Central Intelligence as well. The Director is responsible to me for protection of intelligence sources and methods and stands ready to assist you with any additional guidance that is needed.

The time has come to reverse the flood of damaging disclosures of sensitive information. Our national security depends upon this and I intend to fulfill my responsibilities in this regard. I expect each of you to do no less.

Ronald Reagan